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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WALTER SPURLOCK and ANDRE
GUIBERT,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, AIRPORT COMMISSION OF
THE CITY AND COUNTY OF SAN
FRANCISCO, KEABOKA MOLWANE in his
individual capacity and official capacity as
Aviation Security and Regulatory Compliance
Officer at the San Francisco International
Airport, and JEFF LITTLEFIELD in his
individual capacity and official capacity as
Chief Operating Officer at San Francisco
International Airport,

Defendants.

Case No. 3:23-cv-4429

**DECLARATION OF MOLLY J. ALARCON IN
SUPPORT OF DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL DOCUMENT SUBMITTED IN
SUPPORT OF DEFENDANTS' MOTION TO
DISMISS FIRST AMENDED COMPLAINT**

Hearing Date: March 14, 2024
Time: 2:00 p.m.
Before: Hon. Araceli Martínez-Olguín
Place: 450 Golden Gate Avenue
Courtroom 10
San Francisco, CA 94102

Date Action Filed: August 28, 2023

DECLARATION

I, Molly J. Alarcon, declare as follows:

1. I am an attorney duly licensed to practice law in California, and a Deputy City Attorney for the City and County of San Francisco assigned to represent Defendants the City and County of San Francisco, the Airport Commission of the City and County of San Francisco, Jeff Littlefield, and Keaboka Molwane (collectively, “San Francisco”) in the above-captioned case. I have personal knowledge of the matters stated herein and, if called upon, I could and would testify competently to the contents of this Declaration. I submit this declaration in support of Defendants’ Administrative Motion to File Under Seal Document Submitted in Support of Defendants’ Motion to Dismiss First Amended Complaint, pursuant to Civil Local Rules 7-11(a) and 79-5(c).

2. Defendants seek to file one document completely under seal for in-camera review by the Court. The document is **Exhibit B** to the Declaration of Molly J. Alarcon ISO Request for Judicial Notice ISO Motion to Dismiss the First Amended Complaint.

3. Plaintiffs’ First Amended Complaint (“FAC”) references Exhibit B to support Plaintiffs’ allegations regarding requirements of federal guidance documents. FAC at ¶ 53, referencing “TSA National Amendment: Centralized Revocation Database for Individual with Revoked Identification Media TSA-NA-21-01A.” Although Plaintiffs referenced this document (hereafter, the “TSA Guidance”), they did not attach the TSA Guidance to the FAC, as they did with other referenced documents, attached as Exhibits A-F to the FAC. Because the TSA Guidance is incorporated by reference in the FAC and, as a federally issued document, is from a source “whose accuracy cannot reasonably be questioned,” Fed. R. Evid. 201(b)(2), it is a proper subject of judicial notice. So that the Court may consider the document along with Defendants’ Motion to Dismiss the FAC, Defendants have included it with Defendants’ Request for Judicial Notice ISO Motion to Dismiss.

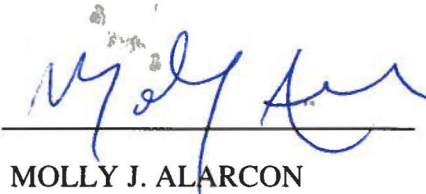
4. Because the TSA Guidance in its entirety is designated “sensitive security information” (“SSI”) by the federal government, San Francisco is prohibited from publicly disclosing it or any part of it. 49 C.F.R. § 1520.5(a), (b)(1), and (b)(2); 49 C.F.R. § 1520.15(a).

1 5. San Francisco's request is as narrowly tailored as possible because the federal
2 government made the determination that the TSA Guidance in its entirety is SSI and, thus, San
3 Francisco must request that the entire document be protected from public disclosure and filed under
4 seal.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct.

7 Executed this 18th day of December, 2023 in San Francisco, California.

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MOLLY J. ALARCON